



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**JUL 30 2018**

John Mulvey

Chicago, IL 60655

RE: MUR 7342

Dear Mr. Mulvey:

The Federal Election Commission reviewed the allegations in your complaint received on March 6, 2018. On July 26, 2018, based upon the information provided in the complaint, and information provided by the respondents, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations as to Marie Newman for Congress and JoAnn Doherty in her official capacity as treasurer and an unknown party, and close its file in this matter. Accordingly, the Commission closed its file in this matter on July 26, 2018. A copy of the General Counsel's Report, which more fully explains the basis for the Commission's decision, is enclosed.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009).

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson  
Acting General Counsel

A handwritten signature in black ink, appearing to read "Jeff S. Jordan", written over a circular stamp or mark.

BY: Jeff S. Jordan  
Assistant General Counsel

Enclosure  
General Counsel's Report

**BEFORE THE FEDERAL ELECTION COMMISSION**

**ENFORCEMENT PRIORITY SYSTEM  
DISMISSAL REPORT**

**MUR:** 7342

**Respondents:** Marie Newman for Congress,  
and JoAnn Doherty, as treasurer  
(collectively the "Committee")<sup>1</sup>  
Unknown Respondents

**Complaint Receipt Date:** March 6, 2018

**Response Date:** April 12, 2018

**EPS Rating:**

**Alleged Statutory  
Regulatory Violations:**

**52 U.S.C. § 30120(a);  
11 C.F.R. § 110.11**

The Complainant states that he received a postcard advocating Newman's election. The postcard is signed "Patricia" and appears to have been mailed from Virginia, but it lacks a disclaimer, return address, or any indication who paid for the communication.<sup>2</sup> The Committee responds that the postcard appears to be an independent expenditure made by an unknown party and was not coordinated with the campaign.

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for

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<sup>1</sup> Newman is a candidate in Illinois's 3rd Congressional District.

<sup>2</sup> The postcard was attached to the Complaint. It was addressed to "Valued Voter," and appears to be a handwritten endorsement of Marie Newman. It also bears a date stamp reading "12 FEB 2018" and a location stamp reading "NO VA 220." There is no further identifying information on the postcard.

Commission action after application of these pre-established criteria. Given that low rating, the lack of available information as to the source, cost, or distribution of the postcard, we recommend that the Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all respondents and send the appropriate letters.

Lisa J. Stevenson  
Acting General Counsel

Kathleen M. Guith  
Associate General Counsel

7.10.18  
Date

BY: Stephen Gura  
Stephen Gura  
Deputy Associate General Counsel

Jeff S. Jordan  
Jeff S. Jordan  
Assistant General Counsel

Donald E. Campbell  
Donald E. Campbell  
Attorney